

Resolution No.: 4150(45)
Introduced by: Committee of the Whole

**A RESOLUTION ACCEPTING THE PUBLIC WATER MAIN AT THE
BURLINGTON CROSSING DEVELOPMENT**

WHEREAS, the City of Burlington adopted Resolution Number 3851(57) approving the Planned Unit Development Agreement for the Burlington Crossing Development; and

WHEREAS, said Planned Unit Development Agreement required the construction of the public water main by the developer; and

WHEREAS, public water main facilities were recommended for acceptance, with conditions, by the City Engineer's office per a memo dated November 30, 2006 by Mike Timmers, Kapur and Associates, Inc., attached hereto as Attachment "A;" and

WHEREAS the as-builts for the water main as required in the attached memo were received in April of 2007, and the improvements could have been accepted at that time pursuant to City policies, thereby beginning the 60 day time frame for the release of the Developer's Subdivision Bond under the terms of the PUD Agreement, but this Resolution was not timely presented to the Council because of personnel changes:

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, Racine County, Wisconsin that all public water main improvements have been completed and installed as required and are hereby accepted, for the Burlington Crossing Development Phase I and II of construction (TSC and the Retail Center).

BE IT FURTHER RESOLVED that, for the reasons set forth above, the Developer's Subdivision Bond, in the current amount of \$97,834.00, shall be released in its entirety, and 15 percent thereof shall not be held for 60 days as set forth in section VII.A. of the PUD Agreement, as the water main improvements have been in acceptable condition for more than 60 days.

BE IT FURTHER RESOLVED that upon adoption of this resolution the City of Burlington shall operate and provide maintenance to said improvements accepted by this resolution. Despite the release of the subdivision bond, the Developer must warrant all accepted improvements for a period of one year, and all defects must be corrected under the terms of Section VIII of the PUD Agreement.

Introduced: September 4, 2007
Adopted: September 4, 2007

Claude Lois, Mayor

Attest:

Beverly R. Gill, City Clerk